

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

* * *

MONIQUE WILLIAMS,

Plaintiff,

vs.

NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK; UNION
PACIFIC RAILROAD COMPANY, a
corporation; CITY OF RICHMOND, a California
Government Entity; RHA RAD HOUSING
PARTNERS LP; RHA HOUSING
CORPORATION; JSCO FRIENDSHIP
TRIANGLE LLC; JOHN STEWART
COMPANY, and, DOES 1 – 50,

Defendants.

CASE NO. 4:19-cv-00576-YGR *Contra*
Costa Co. Sup. Ct. Case No. C18-02144
Complaint filed: 11/8/18
Trial Date: 5/10/21

**STIPULATION AND ORDER
DETERMINING GOOD FAITH
SETTLEMENT**

IT IS HEREBY STIPULATED by and between plaintiff, MONIQUE WILLIAMS, and
defendants, NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK, UNION
PACIFIC RAILROAD COMPANY, CITY OF RICHMOND, RHA RAD HOUSING PARTNERS LP,
RHA HOUSING CORPORATION, JSCO FRIENDSHIP TRIANGLE LLC, and JOHN STEWART
COMPANY, as follows:

1. NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK and UNION
PACIFIC RAILROAD COMPANY have collectively reached a settlement with plaintiff, the terms of
which are confidential. Rather than incurring burdening the Court with a formal motion for the

determination of the good faith of this settlement, the parties conferred, including disclosing the terms of the settlement with counsel for the other defendants, to permit them to evaluate the settlement. The parties have all agreed to stipulate that the settlement is reasonable and made in good faith pursuant to California Code of Civil Procedure section 877, *et seq.*

2. California Code of Civil Procedure section 877, *et seq.*, rather than federal common law, governs the determination of whether the above settlement is made in good faith. Where, as here, “a district court sits in diversity, or hears state law claims based on supplemental jurisdiction, the court applies state substantive law to the state law claims.” *Mason & Dixon Intermodal, Inc. v. Lapmaster Int’l*, 632 F.3d 1056, 1060 (9th Cir. 2011); *Galam v. Carmel* (In re Larry's Apt., L.L.C.), 249 F.3d 832, 837 (9th Cir. 2001) (“It is well established that [u]nder the Erie doctrine, federal courts sitting in diversity apply state substantive law” (internal quotations and citations omitted). “California Code of Civil Procedure section 877 constitutes state substantive law.” *Mason, supra*, 632 F.3d at 1060 (holding the district court correctly applied California Code of Civil Procedure section 877 as state substantive law to resolve motion to dismiss pursuant to good faith settlement); *Fed. Savings & Loan Ins. Corp. v. Butler*, 904 F.2d 505, 511 (9th Cir. 1990) (holding that California Code of Civil Procedure section 877 constitutes substantive law); See also *Yanez v. United States*, 989 F.2d 323, 327-28 (9th Cir. 1993.).

3. Pursuant to California Code of Civil Procedure sections 877 and 877.6, all further claims against defendants, NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK and/or UNION PACIFIC RAILROAD COMPANY, for equitable comparative contribution, or partial or comparative indemnity, shall be barred.

DATED: November 23, 2020

LAW OFFICES OF LEONARD S. BECKER

/s/
By _____
LEONARD S. BECKER
Attorneys for plaintiff,
MONIQUE WILLIAMS

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1 DATED: November 23, 2020

ALLEN, GLAESSNER, HAZELWOOD & WERTH LLP

2 /s/

3 By _____

4 MARK HAZELWOOD

5 Attorneys for defendants,

6 CITY OF RICHMOND and

7 RHA HOUSING CORPORATION

8 DATED: November 23, 2020

**PERRY, JOHNSON, ANDERSON, MILLER
& MOSKOWITZ, LLP.**

9 /s/

10 By _____

11 OSCAR A. PARDO

12 Attorneys for defendants,

13 RHA RAD HOUSING PARTNERS LP,

14 JSCO FREINDSHIP TRIANGLE LLC and

15 THE JOHN STEWART COMPANY

16 DATED: November 23, 2020

FLESHER SCHAFF & SCHROEDER, INC.

17 /s/

18 By _____

19 JEREMY J. SCHROEDER

20 Attorneys for defendants,

21 NATIONAL RAILROAD PASSENGER

22 CORPORATION dba AMTRAK and

23 UNION PACIFIC RAILROAD COMPANY

ORDER

GOOD CAUSE HAVING BEEN SHOWN AND THE PARTIES HAVING STIPULATED TO THE SAME, the Court finds that the above-stated STIPULATION is sanctioned by the Court and shall be and now is the Order of the Court. The settlement between plaintiff, MONIQUE WILLIAMS, and defendants, NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK and UNION PACIFIC RAILROAD COMPANY, is hereby deemed to be a good faith settlement within the meaning and effect of California Code of Civil Procedure §§ 877 and 877.6. Any further claims of any other joint tortfeasors or co-obligors relating to the subject matter of this lawsuit against defendants, NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK and/or UNION PACIFIC RAILROAD COMPANY, for equitable comparative contribution, or partial or comparative indemnity, based on comparative negligence or comparative fault are hereby barred and dismissed with prejudice pursuant to Code of Civil Procedure Section 877.6, subdivision (c).

IT IS FURTHER ORDERED THAT defendants, NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK and UNION PACIFIC RAILROAD COMPANY, are hereby dismissed from the action, with prejudice.

IT IS SO ORDERED.

DATED: 12/16/2020


YVONNE GONZALEZ ROGERS
United States District Judge